

**Brookline Board of Appeals
June 18, 2015, 7:00 PM
Public Hearing**

**333 Washington Street
Selectmen's Hearing Room, 6th Floor**

Board Members Present: Jonathan Book (Chair), Christopher Hussey, Johanna Schneider

Staff Present: Jay Rosa (Zoning Coordinator)

58 Brook Street

Proposal: Construct a deck at the rear and install a front-yard parking space

Zoning District: T-5 (Two-Family and Attached Single-Family)

Precinct: 4

Board Decision: Relief request **granted**, subject to conditions

22 Irving Street

Proposal: Demolish existing garage and replace with a larger garage

Zoning District: S-7 (Single-Family)

Precinct: 5

Board Decision: Continuance request **granted** to **September 17, 2015 at 7:00pm**

Minutes shall be posted on the Town of Brookline website (<http://www.brooklinema.gov/564/Zoning-Board-of-Appeals>) upon approval. Draft minutes shall be made available upon request.

Decisions shall be posted on the Town of Brookline website (www.brooklinema.gov). Appeals, if any, shall be filed with land court or superior court within twenty days after the date of filing of such notice in the office of the town clerk.

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**333 Washington Street
Selectmen's Conference Room, 6th Floor**

Board Members Present: Jonathan Book (Chair), Christopher Hussey, Johanna Schneider

Staff Present: Jay Rosa (Zoning Coordinator)

7:00PM

58 Brook Street – Construct a deck at the rear and install a front-yard parking space

Board Chair Book opened the hearing and called case #2015-0024.

Mr. Book reviewed standard hearing procedure.

The project architect, Eric Smoczynski, of Michael Kim Associates (1 Holden Street – Brookline), waived a reading of the hearing notice for the record. Mr. Smoczynski described the proposal as two design elements – a tiered porch at the rear and a single front yard parking area. A similar proposal submitted by previous property owners was partially approved in 2012. That work was never completed.

The lot is just shy of 4,000 square feet and is a pre-existing non-conformity. There is an elevation change from the first floor to the rear yard so the terraced porch is intended to improve comfort and functionality. An existing rear-yard fence will remain and additional plantings will be installed to screen the area. Neighboring properties provide mostly garages and sheds in this area and one rear abutter spoke in favor of the project at the Planning Board meeting. Other area neighbors were also made aware of the proposal and no opposition has emerged.

The front-yard parking space was previously granted but never constructed. An existing driveway at the east is very narrow so it is difficult to fit cars side-by-side with the adjacent property. The proposed parking space at the west is wider and in close proximity to the kitchen. The Planning Board suggested the use of pavers for this parking space as opposed to blacktop and the applicant is agreeable to this suggestion. Mr. Smoczynski also provided color pictures of the property to the Board.

Board Member Schneider requested further information regarding proposed curb cut dimensions. Mr. Smoczynski stated that the proposed space is 8.5 feet wide, the new curb cut will be 13 feet wide, and when extended from the existing curb cut providing access the adjacent property the total width is approximately 26 feet.

Board Chair Book questioned which specific abutter provided support for the project. Mr. Smoczynski provided meeting minutes indicating that the supporting abutter lives to the immediate rear on Bowker Street.

Board Member Schneider requested more specific visual screening detail that is proposed in addition to the fence. Mr. Smoczynski described arborvitae along the fence and planter boxes on the lower portion of the deck.

Board Member Hussey noted that surrounding garages effectively reduce visibility of the proposed rear deck. Board members agreed that the upper portion of the deck essentially serves as a large landing so active use of that particular area does not result in a privacy issue for abutting residents.

Board Chair Book called for any public comment in favor of, or in opposition to the applicant's proposal.

No members of the public commented on the proposal.

Board Member Book requested that Jay Rosa review the findings of both the Planning Board and Building Department. Mr. Rosa stated that the Planning Board unanimously supported the proposed rear deck and front yard parking space. Board members felt that landscaped screening and overall aesthetic improvements were appropriate counterbalancing amenities for the rear deck setback relief. The Board was not as enthusiastic about the front-yard parking space but did acknowledge that an identical 2011 proposal was approved and similar front yard parking is common along Brook Street. The Board did suggest the use of decorative and/or permeable pavers for the front parking space.

With that in mind, the Planning Board recommended approval the site plan by Christopher Charlton, dated 1/8/15, and the plans prepared by Michael Kim Associates, dated 3/25/15, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations of the rear deck shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, a final site and landscaping plan, indicating all counterbalancing amenities and hardscape details, including for the new parking space, shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final elevations of the deck stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Building Department also had no objection to the requested relief. By-law sections 5.43 and 6.04.12 both provide for the necessary special permit relief. Typical front-yard parking concerns regarding streetscape consistency and vehicular safety are not as worry some for this particular location because, as stated, parallel driveways are located on a majority of properties along Brook Street and the immediate area. Also there is adequate front yard space for the proposed parking so driver sight lines are probably better than the existing driveway. If the Board does find that the standards for special permit relief are met, the Building Department will work with the applicant to ensure compliance with all imposed conditions and building codes.

Board Deliberation

Board Member Hussey commented that front yard parking that overhangs public sidewalks has emerged in several neighborhoods including University Road. This type of parking should be avoided if the proposed parking space is approved by the Board. Additionally, Mr. Hussey suggested that the property owners back in to this front yard space to maintain driver sight lines. Mr. Hussey did not feel that additional special permit conditions were required to enforce this suggestion. Mr. Hussey also supported the rear deck design, citing the fact that it is adequately screened from abutters.

Board Member Schneider also supported the rear porch design and added that surrounding garages bear the brunt of the visual impact that this deck would create. The proposed rear-yard alterations are an aesthetic improvement and impacted abutters have expressed formal support. Ms. Schneider noted that the Board is often hesitant to grant permits for parking for “double wide” curb cuts, however it does appear to be consistent with this neighborhood and was previously supported by the Board. Ms. Schneider wished to state for the record that the Board is not generally in favor of double curb cuts.

Board Chair Book concurred with these comments. The rear deck is an attractive amenity that is appropriately screened. The front parking is concerning but prevalent in the neighborhood.

Board Members agreed that the standards for special permit relief, in accordance with Zoning By-Law Sections 9.05, 5.43, and 6.04.12 are satisfied.

Unanimous Board grant of requested relief, subject to conditions included in the record.

22 Irving Street – Demolish an existing garage and replace with a larger garage

Board Chair Book called case #2015-0021 and reviewed standard hearing procedure.

The applicant’s attorney Bailey Gaffney of the Law Office of Robert Allen (300 Washington St – Brookline) waived the reading of hearing notice for the record. Ms. Gaffney stated that the applicant is requesting to continue this case hearing to September 17, 2015. The subject property is located within the Pill Hill Local Historic District. The applicant originally proposed to demolish and rebuild but the Preservation Commission denied this request. The applicant intends to modify plans in order to structurally improve and possibly extend the current garage with minimal exterior alteration. This requires further meetings with both the Preservation Commission and the Planning Board.

Robert Daves (9 Upland Road) questioned if demolition is still up for consideration even though the Preservation Commission denied the applicant’s proposal.

Board Chair Book stated that the Board is not evaluating any demolition or design elements, but purely the applicant’s request for a case continuance.

Mr. Rosa stated that the Preservation Commission does have authority in terms of the demolition evaluation and any exterior garage alterations. Public notice for this ZBA hearing was reflective of the applicant’s original proposal. Specific case details will be modified prior to the continuation

date to more accurately describe any proposed modifications to the garage design. Again, the Preservation Commission must approve any and all modifications if the project is to move forward.

Board Member Hussey noted that if the structural integrity of the garage is improved but the footprint is not altered in any way, then zoning relief, specifically for side-yard setback, may not even be required.

Board members agreed that the request for a continuance was reasonable in order to allow for adequate Preservation Commission and/or Planning Board review of proposed garage alterations.

Unanimous grant of hearing continuance, as requested, to September 17, 2015 at 7:00pm

Unanimous Board approval of draft hearing minutes from 6/11/15.

Hearing Closed.